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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,548	11/09/2001	Manfred Bartz	CYPR-CD01162M	6756

7590 06/14/2004	EXAMINER
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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

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1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 4 – 9, 12 – 17, 20 – 25, 27 – 30 are rejected under 35 U.S.C. 102(e) as

being anticipated by Angiulo et al. ("Angiulo"; US #6,456,304 B1).

As per independent claim 1's "helping a user perform tasks in software" (see also

independent claims 9, 17, 25), the PROCEDURAL TOOLBAR USER INTERFACE of

Angiulo has a plurality of selection controls, where the selection controls change in

context with the menu choices made in a previous selection control (Abstract; figs 2A –

2D). The TOOLBAR items of Angiulo are "graphic elements", and they are "selectively

activated and deactivated to guide said user through said tasks": the toolbar is

designed to prompt the user to procedurally enter information (col 3, lines 35 – 59), the

example being that of designing web page documents by a left-to-right progression of

control selections.

Significantly in Angiulo, non-selectable options (e.g., an "inactive" "element" that

"does not initiate said action") are grayed and disabled, indicating that selection of the

controls or button will have no effect (col 6, line 61 – col 7, line 6), as opposed to an

"element" that is "active", such as in the openable selections available in fig 2A (please

note that the <u>grayed and disabled</u> attribute is applied to the third downward-pointing "element" in Angiulo's <u>TOOLBAR</u> , fig 2A, and it becomes "active" only in figs 2B and onward) .

As per the "toolbar" of claims 4, 12, 20, 27, Angiulo identically teaches a <u>TOOLBAR</u>, and one whose "elements are displayed in an order corresponding to said logical order" (claims 5, 13, 21, 28)—the left-to-right sequence seen in Angiulo's figures.

As per claims 6, 14, 22, in navigating the Angiulo <u>TOOLBAR</u>, "selected elements" are sequentially "activated" in the course of work. When the user reverts to an earlier selection among the "elements" ("user selection of an element"); one that opens a new design operation, "other elements are deactivated": the 2nd of the 4 elements is greyed, for example, after the 3rd had been previously "active", when the 1st is used in this way.

The "selected windows", "displayed in response to user selection" (claims 7, 15, 23, 29) read at least upon the dialog screens of Angiulo's drop down menus.

As noted above, an Angiulo user can select a higher-level operation after progressing to a lower one, by directly accessing the item closer to the root level. In this situation, and as in claims 8, 16, 24, 30 the "first element" (in this case, the lower-level item) and the "second element" (the one at a higher level) "are active at the same time", when the lower level menu is being used. In moving to the "first element", "movement between said first task and said second task is accomplished without movement through said intervening tasks".

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 2 – 3, 10 – 11, 18 – 19, 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Angiulo in view of IBM TDB vol 38, no 12, "User Tool Interface

Design for Custom Chip Design" ("IBM"; published 1 December 1995).

While designing *per se* is the central motivation behind Angiulo's provision of the

PROCEDURAL TOOLBAR, Angiulo does not **explicitly** extend the disclosure to other

areas, such as "designing a microcontroller" (claims 2, 10, 18).

However, IBM's XMAKE system, which addresses a custom chip design

environment, is one in which each user sees a customized menu specifying the steps to

perform that make sense for his data. This means that it was known in the art at the

time of applicant's invention to incorporate a progressive, customized menu for the

purpose of "microcontroller design", and in particular, "according to a programmable single-chip architecture" (claims 3, 11, 19, 26).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to employ a selectively-enabled, left-to-right TOOLBAR such as Angiulo's in the chip design environment of IBM, the motivation being that of ensuring a "logical order" be followed during such design.

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The additional US Patent documents made of record (see attached form PTO-892) relate to sequential selection interfaces intended to guide the user.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM.

8.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

9.   Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173
10 June 2004